

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

John L. Penza,)	C/A No. 8:14-1265-JFA-JDA
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Quintressa Mungo; Matthew Harper; Warden)	
Larry Cartledge; South Carolina Department of)	
Corrections,)	
)	
Defendants.)	
<hr style="width: 40%; margin-left: 0;"/>)	

The *pro se* plaintiff, John L. Penza, filed an action in the Court of Common Pleas for Greenville County, South Carolina. The defendants then removed the action to this court contending that the plaintiff was asserting *federal* constitutional claims under 42 U.S.C. § 1983. The plaintiff then moved to remand the case back to state court asserting that he only wanted to raise *state* constitutional claims of negligence.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the matter should be remanded to state court. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on May 13, 2014. Neither party filed objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference. Accordingly, this action is remanded to Court of Common Pleas for Greenville County, South Carolina.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

June 19, 2014
Columbia, South Carolina